IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.   RSW920010223US1

In re Application of: **ROY F. BABSON**	§ § § Examiner: **JOSEPH T. PAN** § § § Confirmation No.: **3407** § § Art Unit: **2435** §
Serial No.: **10/007,581**	
Filed: **DECEMBER 5, 2001**	
For: **OFFLOAD PROCESSING FOR SECURITY SESSION ESTABLISHMENT AND CONTROL**	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notification of Non-Compliant Appeal Brief ("the Notification") dated January 27, 2009. The Notification is based upon an ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER ("the ORDER") dated January 9, 2009. The ORDER cites 37 CFR § 41.37(c)(1)(v), which states in pertinent part:

> "For each independent claim involved in the appeal and any dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters."

As set forth in the ORDER, "When the Office holds the brief to be defective solely due to appellant's failure to provide a summary of the claimed subject matter as required by 37 CFR § 41.37(c)(1)(v), an entire new brief need not, and should not, be filed. Rather, a paper providing a summary of the claimed subject matter as required by 37 CFR § 41.37(c)(1)(v) will suffice."

The only claim on appeal that includes means-plus-function elements is claim 34. The following maps the means-plus-function elements to the specification and drawings.
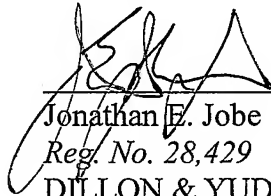
"Means for performing security session establishment and control processing in a security offload component." The security offload component is also referred to in the specification as Encryption Component 230 in FIG. 2F. (See page 12, lines 5-9; page 19, lines 8-16). As shown in FIG. 17, the security offload component performs security session establishment and control processing by sending a Client Hello Handshake record 1705 to a server. The security offload component receives a Server Hello Handshake record, a Certificate Msg Handshake record, a Certificate Request Handshake record, and a Server Hello Done Handshake record from the server. The security offload component then sends to the server a Certificate Handshake record, a Client Key Exchange Handshake record, a Certificate Verify Handshake record, a Change Cipher Spec record, and a Finished Handshake record. The security offload component receives from the server a Change Cipher Spec record and a Finished Handshake record 1710. (See page 55, lines 12-20).

"Means for executing a control function in the operating system kernel, thereby initiating operation of the means for performing security session establishment and control processing by the security offload component." The operating system kernel is represented in by the "Kernel based SSL control TCP" block in FIG. 2F. The operating system kernel executes a control function that initiates operation of the security offload component to perform session establishment and control processing by sending to the security offload component (Encryption Component 230) SSL Directives, Data 240 (FIG. 2F). (See page 19, lines 16-20). More particularly, as shown in FIG. 17, the kernel initiates operation of the security offload component to perform session establishment and control processing by sending to the security offload component a Start_SSL Directive 1700a. (See page 55, lines 12-14).

"Means for receiving a request at the operating system kernel from the application program to initiate a communication with a remote unit." The application program is represented in FIG. 2F by the "Application System SSL calls <<SSL Directives OR No-op>>" block. The kernel receives requests from the application program to initiate a remote unit such a server of FIG. 17 as indicated by the double-headed arrow between block "Application System SSL calls <<SSL Directives OR No-op>>" and block "Kernel based SSL control TCP" in FIG. 2F. (See page 19, line 8 – page 20, line 3).

"Means for directing the security offload component to secure the communication with the remote unit in response to the request." The operating system kernel directs the security offload component to secure the communication with the remote unit in response to the request from the application program as indicated by double-headed arrow 240 between block "Kernel based SSL control TCP" and Encryption Component 230. (See page 19, line 8 – page 20, line 3).

Respectfully submitted,

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